

**RESOLUTION NO. R-22-20**

**A RESOLUTION OF THE VILLAGE OF CAMPTON HILLS, KANE COUNTY, ILLINOIS CONFIRMING THE DESIGNATION OF THE HEALTH SAVINGS ACCOUNT MEDICAL PLAN AS THE VILLAGE'S BASE INSURANCE PLAN FOR PSEBA BENEFITS.**

**WHEREAS**, the Village of Campton Hills, Kane County, Illinois (the "*Village*") is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

**WHEREAS**, the Village provides multiple types of medical insurance plans to eligible participants and requires each participant to pay certain co-payment amounts depending on the type of medical insurance coverage selected; and

**WHEREAS**, the Village currently provides a Health Savings Account Medical Plan as the Village's base medical insurance plan and intends to provide such medical insurance plan to qualifying employees in accordance with the Public Safety Employee Benefits Act ("*PSEBA*"), 820 ILCS 320/1, *et seq.*

**NOW, THEREFORE, BE IT RESOLVED** by the President and Board of Trustees of the Village of Campton Hills, Kane County, Illinois, as follows:

**Section 1.** That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 2.** That the Health Savings Account Medical Plan is hereby authorized and approved to be and remain as the designated Village's base medical insurance plan to be offered and provided to qualifying employees in accordance with PSEBA.

**Section 3.** The officials, officers and employees of the Village are hereby further authorized and directed to take such necessary action to effectuate this Resolution and to continue to provide the Health Savings Account Medical Plan as the Village's base medical insurance plan to qualifying employees in accordance with PSEBA.

**Section 4.** If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity thereof shall not affect any other provision of this Resolution.

**Section 5.** All ordinances, resolutions, motions or orders in conflict with this Resolution are hereby repealed to the extent of such conflict.

**Section 6.** This Resolution shall be in full force and effect upon its passage, approval and publication as provided by law.

Passed this 9 day of August 2022, pursuant to a roll call vote as follows:

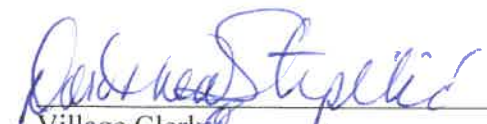
	AYES	NAYES	ABSENT	ABSTAIN
Trustee Charles Cappell	_____	_____	_____	_____
Trustee Susan P George	_____	_____	_____	_____
Trustee Jim McKelvie	_____	_____	_____	_____
Trustee Mike Millette	_____	_____	_____	_____
Trustee Ed Muncie	_____	_____	_____	_____
Trustee Wendy K. White Eagle	_____	_____	_____	_____
President Michael Tyrrell	_____	_____	_____	_____

APPROVED this 9 day of August 2022.

  
Michael Tyrrell, Village President

(SEAL)

ATTEST:

  
Village Clerk  
Dorothea Stipete, Deputy Village Clerk

## Exhibit A

### ADMINISTRATIVE PROCEDURE FOR ASSESSING AND DETERMINING CLAIMS UNDER PSEBA

- Section 1. Purpose
- Section 2. Application Procedure
- Section 3. Application Review
- Section 4. Hearing Officer
- Section 5. Administrative Hearing
- Section 6. Health Insurance Benefits
- Section 7. Other Health Insurance Benefits

#### Section 1. PURPOSE.

The purpose of this Policy is to provide a fair and efficient method for determining the eligibility of a full-time employee for the benefits enumerated under the Public Safety Employee Benefits Act, 820 ILCS 320/1, *et seq.* (the “Act” or “PSEBA”), through an administrative process, including if necessary, an administrative hearing. The administrative procedures established herein are intended to determine eligibility to receive certain health insurance from the Village. This administrative procedure is not a right or contractual obligation that bestows a benefit or entitlement on any individual and is subject to modification or revision by the Village at any time without notice. Benefits provided pursuant to the Act will be consistent with said Act and court rulings, as applicable.

#### Section 2. APPLICATION PROCEDURE.

- A. A public safety officer who suffered a catastrophic injury or is killed in the line of duty during an emergency, or family member(s) of an injured or deceased public safety officer (the “Applicant”), may apply for health insurance coverage under PSEBA. An Applicant must file a full and complete PSEBA application in writing within 30 days of filing a pension claim with the Village or within 30 days of the date of the adoption of this Policy, whichever is later, if the Applicant is seeking benefits under PSEBA. The Village shall notify Applicant if the PSEBA application is incomplete, and Applicant shall have 10 calendar days to remedy their application. Failure to timely file the full and complete application shall result in a forfeiture of the benefits under PSEBA by failure to properly submit a complete application.
  
- B. The PSEBA application shall include but not be limited to the following information: the name of the employee; the full name of the applicant's Spouse and date of marriage, with marriage license attached; birth certificates or adoption orders for all dependent children, and any and all other documents establishing that a child is "dependent"; the date of hire;

any and all documents supporting the PSEBA eligibility requirement for applicant's dependents, including proof of active school enrollment and employment; detailed information regarding the incident including date, time, place and nature of injury, and any other factual circumstances surrounding the incident giving rise to said claim; the identities of witnesses to the incident; the names of witnesses the applicant may call at a PSEBA hearing; the names and addresses of the employee's medical providers; all information and documentation filed with the pension board by the applicant and all exhibits on file with the pension board; and any and all rulings or determinations by the pension board.

C. The PSEBA application shall also include:

1. The Applicant's firsthand knowledge explaining, to the Village's satisfaction, how the injury/death directly resulted from:
  - i. response to fresh pursuit;
  - ii. response to what is reasonably believed to be an emergency;
  - iii. an unlawful act perpetrated by another; or
  - iv. participation during the investigation of a criminal act;
2. Other information supporting the PSEBA eligibility requirements;
3. A signed PSEBA medical authorization release which authorizes the collection of information related to the incident including, but not limited to, disability pension proceedings, workers' compensation records, and medical records, and which specifies the name and address for pertinent health care providers;
4. A signed PSEBA general information release specifying the name and signature of the Applicant or their authorized representative along with legal proof of said representation and name and signature of a witness authorizing the collection of information pertinent to the incident review process; and
5. Other sources of health insurance benefits currently enrolled in or received by the Applicant and/or family members if the Applicant is deceased, or any such health insurance benefits the Applicant or family members are eligible or entitled to receive.

D. The PSEBA application must be submitted to the Village Administrator in its entirety. The Village Administrator shall, at any time, have the authority to modify or revise the PSEBA application, or seek additional information from the Applicant to better enable the Village to ascertain the Applicant's qualifications.

E. The PSEBA application must be sworn and notarized to certify the truthfulness of the content of the information. All supporting documents shall be verified under oath by the Applicant and notarized. A review of the application shall not occur until the application is complete.

### **Section 3. APPLICATION REVIEW.**

- A. From the date that the PSEBA application is deemed complete by the Village, the Village Administrator shall have 45 calendar days to review the application and make an initial determination as to whether an administrative hearing is required. If the Village Administrator determines all PSEBA requirements have been satisfied, the Village Administrator may grant the PSEBA benefits. Upon such grant, the Applicant will be notified and required to contact the Village Administrator within 30 calendar days for benefit explanation and processing.
- B. If the Village Administrator denies the PSEBA application, the Applicant will receive written notice of the denial. The Applicant shall have the right to request, in writing, an administrative hearing, which shall be served on the Village Administrator no later than 30 calendar days after receipt of the written notice of denial of the PSEBA application. Failure of the Applicant to request an administrative hearing after receipt of the written notice of denial shall result in the forfeiture of PSEBA benefits.
- C. If the Applicant timely requests an administrative hearing, a Hearing Officer shall be appointed, who shall set the first date of the administrative hearing no later than 45 calendar days from the date of the written request.
- D. The Applicant will be given written notice of the date for the scheduled administrative hearing to be served not less than 10 days prior to the commencement of the hearing. If the Applicant, upon receiving written notice of the administrative hearing, cannot attend said date, the Applicant must contact the Hearing Officer in writing within 7 days after being served. The Hearing Officer shall establish an alternative hearing date which is within 30 days of the original hearing date. Failure to appear at the administrative hearing shall result in denial of PSEBA benefits.

### **Section 4. Hearing Officer.**

The administrative hearing shall be scheduled and conducted by a Hearing Officer whose authority and limitations are as follows:

- A. *Authority of the Hearing Officer.* The Hearing Officer shall have all of the authorities granted to her/him under common law relative to the conduct of an administrative hearing, including the authority to:
  - 1. Preside over Village hearings involving PSEBA;
  - 2. Administer oaths;
  - 3. Hear testimony and accept evidence that is relevant to the issue of eligibility under PSEBA;

4. Issue subpoenas to secure attendance of witnesses and the production of relevant papers or documents upon the request of the parties or their representatives;
  5. Rule upon objections in the admissibility of evidence;
  6. Preserve and authenticate the record of the hearing and all exhibits in evidence introduced at the hearing; and,
  7. Issue a determination based on the evidence presented at the hearing, the determination of which shall be in writing and shall include a written finding of fact, decision and order.
- B. *Hearing Officer.* The Village President, with the advice and consent of the Board of Trustees of the Village, is hereby authorized to appoint a person to hold the position of Hearing Officer for each hearing on PSEBA benefits that shall come before this Village. In making said selection, the following information should be considered, at a minimum:
1. the individual's ability to comply with the job description as set forth herein;
  2. the individual's background and performance data made available to the Village President on file with the Village or otherwise obtained by the Village; and
  3. the individual must be an attorney licensed to practice law in the State of Illinois for at least 5 years and have knowledge of and experience in employment and labor law, general civil procedure, the rules of evidence, and administrative practice.

**Section 5. ADMINISTRATIVE HEARING.**

An administrative hearing shall be held to adjudicate and determine whether the Applicant is eligible for benefits under PSEBA. If the Applicant is found eligible, the benefits shall be consistent with the Act.

- A. *Record.* The Village shall ensure that all hearings are attended by a certified court reporter and a transcript of all proceedings shall be made by said certified court reporter and a copy be provided to the Applicant within 28 days of the date of the administrative hearing.
- B. *Procedures.* The Village and the Applicant shall be entitled to representation by counsel at said administrative hearing; may present witnesses, testimony and documents; may cross-examine opposing witnesses; and may request the issuance of subpoenas to compel the appearance of relevant witnesses or the production of relevant documents.
- C. *Evidence.* The Illinois Rules of Evidence shall apply to the extent practicable unless, by such application, the Hearing Officer determines that application of the rule would be an injustice or preclude the introduction of evidence of the type commonly relied upon by a reasonably prudent person in the conduct of her or his affairs. Such determination shall be in the sole discretion of the Hearing Officer. The Hearing Officer must state on the record her or his reason for that determination.

- D. *Final Determination.* A written determination by the Hearing Officer of whether the petitioning Applicant is eligible for the benefits under PSEBA shall constitute a final administrative determination for the purpose of judicial review under the common law writ of certiorari.
- E. *Burden of Proof.* At any administrative hearing, the Applicant shall have the obligation and burden of proof to establish that the Applicant is eligible and qualified to receive PSEBA benefits. The standard of proof in all hearings conducted under this Ordinance shall be by the preponderance of the evidence.
- F. *Administrative Records.* All records pertaining to the administrative process shall be held in a separate file under the Applicant's name with the Village.

#### **Section 6. Health Insurance Benefits**

Upon qualification for PSEBA benefits, the Applicant shall be entitled to the Basic Level Insurance Plan. An applicant may choose to enroll in any other health insurance plan offered by the Village different from the Basic Level Insurance Plan but shall pay the difference in insurance premium between the Basic Level Insurance Plan and any other non-basic level insurance plan of the Village. Failure of the Applicant to timely pay the difference in the premium amount required for the non-basic level insurance plan of the Village shall result in coverage in the Basic Level Insurance Plan.

#### **Section 7. Other Health Insurance Benefits**

- A. *Other Benefits.* Health insurance benefits payable from any other source will reduce the benefits payable from the Village. Each applicant shall sign an affidavit attesting that the applicant is not eligible for insurance benefits from any other source unless there is another source. If there is another source, the Applicant shall notify the Village of that source no later than 5 business days from that source becoming available to the Applicant or the Applicant's beneficiaries.
- B. *Disclosure of Health Insurance Coverage.* The Applicant has an on-going obligation to and shall update health insurance coverage information provided. Failure to do so may result in the denial of benefits and/or reimbursements to the Village for duplicate coverage. If duplicate coverage has been received by an applicant or beneficiary, further PSEBA benefits will be denied until the Village has been fully reimbursed for what it would have been credited if it had known about other coverage.
- C. *Reimbursement.* Receipt of health insurance benefits from other sources without notice to the Village shall require the Applicant to reimburse the Village for the value of the PSEBA benefits.

- D. *Medicare Eligibility.* The Applicant shall notify the Village when the Applicant or the Applicant's spouse becomes Medicare eligible regardless of the status of the enrollment period, so the Village may assist with the transition to Medicare coverage and/or adjust health insurance benefits or PSEBA benefits accordingly. The availability of Medicare benefits will reduce the benefits payable from the Village.